SW/9/11

G. R. S. 58
Previous references.

1913
(Sta)

File No. 437-12
Serial Nos. 1 – 2

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 – 2

Part B. for August 1913.

SUBJECT.

Recasting Art 172 M-SN.

From the Comptroller P.O. + Ry Bh.
no 2548 Dy 18-1-13.
Proposes a recasting of Art 172 M SN in the matter of construction re the condition of grant of privilege leave.

2. A+C no 12 Dy 7-8-13.
Amends art 172 M.S.N.

BL. goes
3-1-14.

GPB.-S000—7-4-07

G.R.S. 11] 1912-13

GENERAL AND REVENUE SECRETARIAT.

(Sta.)

NOTES.

File No. 437.

FILE HEADING.

Recasting of art: 172. M.S.R. re the condition of grant of privilege leave.

From

The Comptroller. P. W and Railway Branch.

No. 2548. Dated 18-1-13. Received 21-1-13.

Diary No. 2680.	Enclos.	Spare Copies.	Serial No. 1.

BRIEF ABSTRACT OF LETTER.

Forwards a copy of letter No. 248. d: 6-12-12 from the Executive Engineer Water Supply and Stores Dn in the matter of the correct construction to be placed on the rule contained in art: 172 M.S.R. and proposes a recasting of the said rule to remove all doubts.

NOTES AND ORDERS.

1). The papers relating to the insertion of the clause "who has not for Six calendar months been absent on privilege leave exceeding 15 days" in art: 172 M.S. are put up with the question of leave to the Dt Excise officer Mr Narayanasami Mudaliar. In connection with this

NOTES—First Sheet.

GPB—30,000—12-8-11

[G. R. S. 12]

General and Revenue Secretariat.

S.La File No. 437 of 1912-13

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this question, the point now raised by the Executive Engineer has been fully discussed. and the matter is pending in council Pending final orders of Govt in the matter, the recasting of the arts: as proposed by the Comptroller may, it seems, lie over

Subd for orders.

DMR 47 Dft 2

31.1.13.

Please put up all the papers relating to this.

31.1.13

3

To S.R. Section for favour of putting up Mr Narayanasami Mudaliar's case if it has been fixed with orders.

DMR-47 Dft

6.2.13.

So, please. The Council Section may be asked to kindly state in what stage the question now is

6.2.13

4

To council Section for kindly furnishing the DMR information

6.2.13. Dft

5

Order in Mr Narayanasami Mudaliar's case has issued. Para 3 of the order No. M 7422-3/SR.11-11-8 dt 26-6-13 says that the words

× C. 180 (S.R. 11 of 11-12). The file is under circulation to Councillors.

7/2

Jois C.R.

The matter has not yet been decided - This continues

M

Dft 27/3/13

NOTE—Contn. sheet.

GPB—65,000—7-6-12.

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[G. R. S. 12]

General and Revenue Secretariat. | Sta File No. 437 of 1912-13

Serial No.

"fifteen days" occurring in art: 172. M.S.R. should be interpreted as meaning "fifteen days on the whole" and that necy amendments to M.S.R. to make this meaning clear ~~would~~ will be issued. In proposing the amendment of art: 172, the Comptroller has suggested the insertion of the words "in all" after fifteen days. The insertion of these words seems to be more suitable than that of the words "on the whole" suggested in the G.O. as the words "the whole" occur after the insertion. Draft addendum accordingly is subd.

DRG-47 Gbrb

9-7-13.

the words "in all" seem better than the words "on the whole". The draft for ASC slip is sub for approval & other orders—

10.7.13.

Sec)

1) M 7/8

2) [illegible] 7.8.13

3) ARC issued as [illegible]

ARD

NOTE—Contn. sheet.

GPB—65,000—7-6-12.

14

D. R. S. 12]

General and Revenue Secretariat.

S+A File No. 437 of 1912

Serial No.	
2	A+C No. 12 § 7.8.'13

Amends article 172, M.S.R., by inserting the words "in all" after the words "fifteen days" in line 4 of this Article.

NOTE—Contn. sheet.

GIP—65,000—17-6-12.

14 11

DIARY No. 87 (5
12/2-12-13
SECTION 5/4
FILE No.
SERIAL No.

Proceedings of the Government of His Highness the Maharaja of Mysore.

R e a d.-

Letter No. 7450 dated the 16th March 1912 from the Excise Commissioner in Mysore regarding the treatment of the 8 days' leave availed of by Mr. C.R. Narayanaswami Modaliar, acting District Excise Officer, Hassan, in November 1911, as privilege leave, and the interpretation of the term 'fifteen days' occurring in Article 172 of the Mysore Service Regulations.

Order thereon:- No. Fe 7422-3 SR 11-11-8

Dated Bangalore 26 June 1913.

Mr. Narayanaswami Modaliar first took 5 days' casual leave from the 29th November 1911; but as he was obliged to absent himself from duty up to the 7th December following, owing to his son's unexpected illness at Bombay, he prayed that the whole ~~per~~ period of his absence amounting to 8 days might be treated as privilege leave, two months and twenty days of which were at his credit on the 29th November 1911. The Comptroller having objected to the grant of the privilege leave on the ground that it was inadmissible under Article 172 of the Mysore Service Regulations, as the Officer had availed himself of more than fifteen days' privilege leave during the period of six months previous, though in two instalments of less than fifteen days each, the Excise Commissioner has sought the orders of Government in the matter.

2. The points for decision are:-

(i) whether the expression 'exceeding fifteen days' in article 172 means fifteen days at a time or fifteen days in the aggregate; and

(ii) how the case of the Officer in question must be treated.

3. Having regard to the generally liberal character of the leave regulations, the Government agree with the Comptroller that the words 'fifteen days' occurring in the said article should

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should be interpretted as meaning 'fifteen days on the whole' and not 'fifteen days at a time'. Necessary amendments to the Mysore Service Regulations will be issued to make this meaning clear.

4. In view, however, of the exceptional nature of the circumstances which detained Mr. Narayanaswami Modaliar at Bombay, and of the fact that the interpretation of the article in question had not been free from doubt till now , they are pleased to direct that the period of his absence referred to, viz., 8 days, be treated as privilege leave, as a special case.

for Secretary to Government.

To

The Excise Commissioner in Mysore.

The Comptroller, Mysore Government.

B.V.

DIARY No. 2680

012-10 1
SECTION 5th
FILE No. 437-11

P. W. Serial No. 114.]

It is requested that in future communications on the subject, the No. and date of this letter, and the distinguishing letters below the number as given opposite, may be quoted. All communications should be addressed as follows :—Comptroller, Mysore Public Works and Railway Branch, Bangalore.

No. 2548 E/

MYSORE PUBLIC WORKS DEPARTMENT,
CENTRAL OFFICE OF ACCOUNTS,

Dated Bangalore, the 18 January 13. ~~190~~

FROM

J. S. CHAKRAVARTI, ESQ., M.A., F.R.A.S., etc.,
Comptroller to the Government
of His Highness the Maharaja of Mysore,
Public Works and Railway Branch.

To

The Financial Secretary to the
Government of His Highness the
Maharaja of Mysore, Bangalore.

Sir,

I have the honor to forward herewith a copy of letter No. 248 dated 6th ultimo from the Executive Engineer, Water Supply and Stores Division requesting to be informed of the correct construction to be placed on the rule contained in Article 172 Mysore Service Regulations . The point raised by the Executive Engineer has been discussed more than once before and the restriction in respect of the limit of 6 months has all along been understood to apply to cases in which officers have had during the period of 6 months privilege leave for more than 15 days, whether taken in one or more instalments. The wording of the rule as it now stands

MYSORE PUBLIC WORKS DEPARTMENT

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From

J. S. CHAKRAVARTI, Esq.,
M.A., F.R.A.S., etc.,
Comptroller to the Govt. of
H. H. the Maharaja of Mysore,
P. W. & Ry. Branch.

To

Dated

Despatched

Received

No.

SUBJECT.

GPB—5,000—14-1 0

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is not quite clear and it is desirable to modify it so as to remove the doubt to which it now gives rise. In these circumstances I beg to propose that the first sentence of the article may be recast as follows:-

" To an officer who has been on duty, without interruption, for eleven calender months and who has not had for six calender months, privilege leave for more than fifteen days in all, the whole .... ..may be granted. "

I have the honor to be,

Sir,

Your most obedient servant,

Chakravarti

Comptroller,

P. W. & Ry Branch.

18.1.13

Encl to 511 (3)

Letter No. 248 dated 6th December 1912 from the Executive Engineer, Water Supply and Stores Division to the Comptroller to the Government of Mysore, Public Works and Railway Branch.

.....

I have the honor to request you with reference to Article 172 of M. S. R. to kindly inform me if the occurance of the expression privilege leave exceeding 15 days in lines 3 and 4 while defining the restrictions to which the grant of privilege leave should be subjected, should be interpreted as privilege leave exceeding 15 days at any one time or on the aggregate during any period of six months . In the article as it now stands there is no comma after the word leave and accordingly the word " exceeding" must only be taken as an adjective qualifying the noun leave. This is evidently in favour of the 1st interpretation . If the expression has to be understood as 15 days on the aggregate in any period of 6 months " Exceeding" should be taken as an adverb modifying the adjective absent. but it seems there should be a comma after the word "leave" to admit of this construction. If the latter interpretation is correct I request that you will kindly cause the needful to be done in the next correction slip.

" C o p y "

Superintendent,
Correspondence section
P. W. & Ry Branch.

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G. R. S. 26]

File No. 437

Serial No. 2

Diary No. of letter replied to 2680.

No.

General and Revenue Secretariat

(Sta)

, *the* 191 .

To

A. and b to M-S-R.

Date of issue

Signed by

art: 172

Page 54.

Insert "in all," after "fifteen days" occurring in line 4. of this art.

(Action no. 12)

M/180

Fund. Secy.

9.7.13.

10.7.13

over.

SUBJECT.